

**REMARKS**


Claims 1 to 26 are pending. Claims 1-9 to 19-26 have been withdrawn from consideration. Claim 10 is amended.

**§ 103 Rejections**

Claims 10-18 stands rejected under 35 USC § 103(a) as being unpatentable over Tuman et al. (US 2001/0018110) in view of Nestegard (US 4894060).

Claim 10 has been amended to more particularly recite the invention structure as a matter of clarification. Claim 10 now requires that each stem portion is individually and directly attached to the porous film backing (this is clearly supported, for example, at page 6 which discloses that the stems and the backing are directly produced in a die and the drawings). The ordinary usage of these terms (see dictionary definitions below) as understood by one of ordinary skill in the art taking into account applicants written description (In re Morris 127 F.3d 1048, 1053-54 (Fed. Cir 1997)) could not be read to encompass a porous film attached to a backing containing a group of a stems.

**Merriam-Webster**

Main Entry: <sup>1</sup>**di·rect·ly** 

Pronunciation: d&-'rek(t)-IE, dl-, *in sense 2 esp* d&-'rek-IE *or* 'drek-IE

Function: *adverb*

**1 a** : in a direct manner <*directly* relevant> <the road runs *directly* east and west> **b** : **in immediate physical contact** **c** : in the manner of direct variation

**Cambridge Online**

***directly***

[\[Show phonetics\]](#)

*adverb*

*without anything coming in between*

Claim 10 also requires that the porous film backing extends between each individually and directly attached stem portion providing a breathable fastener in the areas between all the directly attached stem portions. This is not possible with Tuman et al. A porous film if used in Tuman et al. would be subjacent a group of hooks directly attached to a nonporous backing such that the mechanical fastener formed would not be breathable between the hooks in this group or in areas between hooks in different groups.

The rejection of claims 10-18 under 35 USC § 103(a) as being unpatentable over Tuman et al. (US 2001/0018110) in view of Nestegard (US 4894060) has been overcome by the current amendment and should be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested.

Allowance of claims 10-18, as amended, at an early date is solicited.

Respectfully submitted,

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Date

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